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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/851,633	05/08/2001	Mark Hauck	10971990-2	4289

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HEWLETT-PACKARD COMPANY
Intellectual Property Administration
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EXAMINER

NGHIEM, MICHAEL P

ART UNIT	PAPER NUMBER
2861	

DATE MAILED: 06/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/851,633

Applicant(s)

HAUCK, MARK

Examiner

Michael P Nghiem

Art Unit

2861

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 April 2002.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 35-44 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 35,36,38-41 and 44 is/are allowed.
- 6) ☒ Claim(s) 37,42 and 43 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☒ The proposed drawing correction filed on 16 April 2002 is: a) ☒ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____
- 4) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

DETAILED ACTION

The Amendment filed April 16, 2002 has been acknowledged.

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless --

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 37, 42, and 43 are rejected under 35 U.S.C. 102(b) as being anticipated by Boyd et al. (US 5,923,353).

Boyd et al. discloses all the claimed features of the invention including:

- a method (Figs. 4-6) for regulating pressure in a print cartridge (Figs. 4-6) having a fluid source (13) and a local reservoir (34), comprising the steps of:

- sensing the pressure (column 5, lines 55-57);
- activating a first flow valve (38', 40') when the pressure is less than a first predetermined limit (Fig. 5);
- deactivating the first flow valve when the pressure is not less than a first predetermined limit (Figs. 4, 6);

- activating a vacuum valve (18', 40", column 4, lines 25-26) if the pressure is more than a second predetermined limit (Fig. 4, 5);
- deactivating the vacuum valve if the pressure is not more than a second predetermined limit (Fig. 6);
- withdrawing air from a vacuum reservoir (51) within the print cartridge (Figs. 4-6).

Allowable Subject Matter

2. Claims 35, 36, 38-41, and 44 are allowed.
-

Reasons For Allowance

3. The method as claimed wherein activating a second flow valve in parallel with said first flow valve to a fluid source when the pressure is less than a second predetermined limit (claim 35) or issuing a first flow of fluid into the local reservoir from the fluid source when the pressure is less than a first predetermined limit and issuing a second flow of fluid into the local reservoir from the fluid source when the pressure is less than a second predetermined limit (claim 38) or activating a vacuum valve if the pressure is more than a third predetermined limit; and deactivating the vacuum valve if the pressure is not more than the third predetermined limit (claim 44) is not disclosed, suggested, or made obvious by the prior art of record.

R s p o n s t o A r g u m n t s

4. Applicant's arguments filed April 16, 2002 have been fully considered but they are not persuasive.

With respect to the 35 USC 102 rejections of claims 37, 42, and 43, Applicants argue that Boyd does not teach activating a vacuum valve if the pressure is more than a second predetermined limit and deactivating the vacuum valve if the pressure is not more than a second predetermined limit. Conversely, Boyd discloses that the back up valve 18 "remains open" (i.e. activated) when the pressure is "less" (not "more" as Applicant is claiming) than a second predetermined limit.

Examiner's position is that Boyd teaches activating a vacuum valve (18', 40") if the pressure is more than a second predetermined limit (Fig. 4, 5) and deactivating the vacuum valve if the pressure is not more than a second predetermined limit (Fig. 6). Please note that the claimed vacuum valve is taught by reference number (18', Figs. 4-6) and not (18, Fig. 1).

Conclusion

5. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Contact Information

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Nghiem whose telephone number is (703) 306-3445. The examiner can normally be reached on M-H from 6:30AM – 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Barlow can be reached at (703) 308-3126. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 308-7724 for regular communications and (703) 308-5841 for After Final communications.

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Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0956.



MICHAEL NGHIEM
PRIMARY EXAMINER

Michael Nghiem

June 20, 2002
